

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ADVENTURINE ONE, LLC,
Plaintiff,

VS.

THE CITY OF MARSHALL, TEXAS,
Defendant.

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CIVIL ACTION NO. 2:23-cv-00451-RSP

JURY DEMANDED

JOINT MOTION TO BE EXCUSED FROM IN-PERSON MEDIATION

COME NOW, Adventurine One, LLC (“Plaintiff”) and the City of Marshall, Texas (“Defendant”), and file this their Joint Motion to be Excused from In-Person Mediation, and would respectfully show the Court as follows:

1. Plaintiff and Defendant have scheduled a haff-day mediation on May 1, 2024. Randy Akin is serving as the mediator.
2. According to Court Annexed Mediation Plan for the Eastern District of Texas, mediations are to be conducted in person.
3. With regard to the Defendant, Defendant’s counsel and representatives of the City of Marshall will be present at Mr. Akin’s office. Defendant is being defended by the Texas Municipal League Intergovernmental Risk Pool (“TMLIRP”) in Austin, Texas. The TMLIRP representative is Muriel Kalita. Defendant is requesting that Muriel Kalita be granted leave to participate by Zoom. Ms. Kalita will fully participate in the mediation.
4. With regard to the Plaintiff, one of Plaintiff’s counsel, Jeffrey Patton, and Plaintiff’s representative, Caryn Winter, both work out of state. Specifically, Mr. Patton works in Winston-Salem, North Carolina, and Ms. Winter works in Kentucky. Both Mr. Patton and Ms. Winter

request that they be granted leave to participate via Zoom.

5. The Parties have conferred with the mediator, Mr. Akin. Mr. Akin does not oppose the Zoom participation.

6. The zoom participation will allow the mediation to proceed without additional costs to the Parties.

WHEREFORE, PREMISE CONSIDERED, Adventurine One, LLC and the City of Marshall, Texas, respectfully request that this Joint Motion to be Excused from In-Person Mediation be granted as pled for above.

Respectfully submitted,

William T. Hughey

William T. Hughey (TBN: 10245500)

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing instrument was served upon all counsel of record via ECF filing on this the 24th day of April 2024.

BY: Darren K. Coleman
DARREN K. COLEMAN

CERTIFICATE OF CONFERENCE

Counsel for Plaintiff and Defendant have conferred regarding this Joint Motion and there is no opposition.

BY: Darren K. Coleman
DARREN K. COLEMAN